



U.S. Department of Justice

Special Counsel's Office

November 24, 2022

David J. Smith, Clerk of the Court
United States Court of Appeals
for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: Plaintiff's Notice of Supplemental Authority in *Trump v. United States*, Case No. 22-13005-DD

To the Court:

Plaintiff asserts that *In re Search Warrants Executed on April 28, 2021*, No. 21-mc-425 (S.D.N.Y.), is an example of a case in which "a court has previously asserted equitable jurisdiction to enjoin the government from using seized materials in an investigation pending review by a special master." 11/23/22 Trusty 28(j) Letter, at 1. That is incorrect. As plaintiff recognizes, the court did not "enjoin the government," *id.*; instead, the government itself volunteered that approach. Moreover, the records there were seized from an attorney's office, the review was conducted on a rolling basis, and the case did not involve a separate civil proceeding invoking a district court's anomalous jurisdiction. *Cf. In the Matter of Search Warrants Executed on April 9, 2018*, No. 18-mj-3161 (S.D.N.Y.) (involving similar circumstances). None of those is true here.

Yours truly,

JACK SMITH
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By: /s/ Juan Antonio Gonzalez
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